

Application No. 10/763,325

REMARKS

Applicant has carefully studied the outstanding Official Action mailed on May 8, 2006. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant wishes to express his gratitude to the Examiner for the courtesy of a telephone interview with Applicant's representative, David Klein, Patent Agent 41,118, on July 26, 2006. Differences between spider silk and silkworm silk were discussed. Although no agreement was reached, it was noted that rephrasing the claims as method claims could possibly overcome the cited art.

Claim 3 stand rejected under 35 USC §112, second paragraph for indefiniteness. Claim 3 has been cancelled.

Claims 1-9 stand rejected under 35 USC §103(a) as being unpatentable over Marcon (US 6102050) in view of Gravett et al. (US 2004/0199241).

Applicant wishes to respectfully point out that Gravett et al. does not teach that silkworm silk and spider silk are equivalent materials – indeed they are not. It is known in the art of materials engineering, that spider silk has superior elongation and strength to that of silkworm silk. Gravett et al. only states that both silkworm silk and spider silk can be used to construct the item in question, but not that they are equivalent materials. (It is analogous to saying that an item may be constructed from alloy steel or stainless steel – it does not mean that they are equivalent materials and indeed they have very different properties.)

Although Applicant traverses the above §103 rejection, for the purposes of expedited allowance, the claims have been cancelled. New claims 10-15 are directed to a method for flossing teeth with dental floss constructed of at least one filament made of spider silk. These claims are respectfully deemed patentable over the cited art. No new matter has been added (the basis for claims 11 and 12 is at the top of pages 2 and 3.) Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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